

**Frequently Asked Questions – Manufacturers**  
**Environment Article, Title 9 Water, Ice and Sanitary Facilities,**  
**Subtitle 17 Office of Recycling,**  
**Part IV Statewide Electronics Recycling Program**

The following answers are general in nature. Refer to the [Statewide Electronics Recycling Program](#) law for exact language.

**Question 1 – What is the Statewide Electronics Recycling Program?**

The Statewide Electronics Recycling Program is a Maryland law that became effective October 1, 2007. Revisions to the law, as set forth in House Bill 879, become effective October 1, 2012. The revised law requires a manufacturer of a covered electronic device to affix its products with a label that contains the name of the manufacturer or the manufacturer's brand label. It also requires a manufacturer of a covered electronic device to register with, and pay a registration fee to the Maryland Department of the Environment (MDE) if the manufacturer plans to sell or offer for sale to any person in the State a new covered electronic device.

**Question 2 – How does House Bill 879 change the Statewide Electronics Recycling Program?**

House Bill 879, which amends the Statewide Electronics Recycling Program, becomes effective October 1, 2012. The main differences are changes to the registration fees and a new requirement that MDE-approved eCycling takeback programs must include educational and instructional materials relating to destruction and sanitization of data from covered electronic devices.

Registration fees have changed to a tiered system based on the number of covered electronic devices sold in Maryland the previous year. The registration fee is \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in Maryland in the prior year and \$5,000 for a manufacturer that sold at least 100 but not more than 999 covered electronic devices in Maryland in the prior year. There is no registration fee for a manufacturer that sold less than 100 covered electronic devices in Maryland in the prior year. However, a manufacturer must register even if they sold less than 100 covered electronic devices in Maryland and don't need to pay a registration fee.

Other changes to the law change the date, to March 1<sup>st</sup> of each year, when the annual registration is due to MDE. Additionally, a covered electronic device manufacturer's registration must include the total number of covered electronic devices sold in Maryland in the prior year (sales data submitted on the manufacturer's registration shall be treated as confidential and proprietary, and may not be disclosed except as otherwise required by law), including the types of covered electronic devices sold and the brand names under which the covered electronic devices were

sold. The revised law also increases penalties for failure to comply with the Statewide Electronics Recycling Program.

**Question 3 – What is a manufacturer?**

A manufacturer means a person that is the brand owner of a covered electronic device sold or offered for sale in the State, by any means, including transactions conducted through sales outlets, catalogs, or the internet.

**Question 4 – What is a covered electronic device?**

A covered electronic device means a computer or video display device with a screen that is greater than 4 inches measured diagonally.

A covered electronic device does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial, or medical equipment (*e.g.*, video display device that is contained within a MRI machine, control panel, cash register, clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air-conditioner, dehumidifier, air purifier, etc.).

See Questions 5 and 6, for more details.

**Question 5 – What is a computer?**

A computer is defined as a desktop personal computer, a laptop computer, or a computer monitor. Computer does not include a personal digital assistant device or a computer peripheral device (*i.e.*, a mouse or other similar pointing device, a printer, or a detachable keyboard).

**Question 6 – What is a video display device?**

A video display device means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of image sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion.

A video display device includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen.

A video display device may use a cathode ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, or other image-projection technology (*e.g.* televisions, monitors, portable DVD players, etc.).

**Question 7 – When does the revised Statewide Electronics Recycling Program go into effect?**

The law goes into effect on October 1, 2012, and affects all registrations for calendar year 2013 and beyond.

**Question 8 – Who has to register?**

A manufacturer that sells or offers for sale, at least 1 (one) covered electronic device in Maryland on or after January 1, 2013, must register.

### Question 9 – When do I have to register?

Manufacturers must register with, and pay the registration fee to, MDE on or before March 1, 2013, or they may not sell or offer for sale their covered electronic devices in Maryland.

### Question 10 – Is there a cost associated with registration?

Yes.

Initial registration is:

- \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in Maryland in the prior year, and
- \$5,000 for a manufacturer that sold at least 100 but not more than 999 covered electronic devices in the prior year.

In subsequent years the annual renewal registration fee for a manufacturer who has not implemented a MDE-approved covered electronic device takeback program is:

- \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in Maryland in the prior year, and
- \$5,000 for a manufacturer that sold at least 100 but not more than 999 covered electronic devices in the prior year.

In subsequent years the annual renewal registration fee for a manufacturer that has implemented a MDE-approved covered electronic device takeback program in the prior year is \$500 (e.g., for a 2013 registration, the MDE-approved covered electronic device takeback program must be operating in 2012).

There is no registration fee for a manufacturer that sold less than 100 covered electronic devices in Maryland in the prior year. However, all manufacturers must register whether they need to pay a registration fee or not.

The registration fee must be paid annually by March 1<sup>st</sup>. Fees cover one calendar year and are not be prorated.

### Question 11 – How does my company register with MDE?

Complete the [Maryland Electronics Manufacturer Registration Form](#) and mail the completed form and the required registration fee to:

**Maryland Department of the Environment  
P.O. Box 1417  
Baltimore, Maryland 21203-1417**

*(Please include the following: "PCA 13719" and "AO 5671" in the memo field of the check)*

If additional sheets are needed to supply details regarding the information requested on the registration form, please attach them to your registration form.

Registration fee can also be paid via electronic transfer. Email [David Mrgich](#) for details.

A manufacturer's registration must include the total number of covered electronic devices sold in the State in the prior year (sales data submitted on the manufacturer's registration shall be treated as confidential and proprietary, and may not be disclosed except as otherwise required by law),

including the types of covered electronic devices sold and the brand names under which the covered electronic devices were sold.

#### **Question 12 – What constitutes a covered electronic device takeback program?**

In order for a covered electronic device takeback program to be approved by MDE it **must be operating in the year prior to the registration year** (e.g., A manufacturer must have a covered electronic device takeback program operating in 2012, if they wish to be eligible for the reduced renewal registration fee of \$500 when submitting a renewal registration for 2013).

A manufacturer's covered electronic device takeback program must accept **ALL** of its products that fall under the scope of the Statewide Electronics Recycling Program.

A Manufacturer's takeback program must be free to the returner of a covered electronic device and contain a method of returning a covered electronic device (e.g., postage paid mailing packages, designated collection points throughout the State, etc.) for recycling, reuse, or refurbishing. A manufacturer may also contract with a recycler, local government, other manufacturer or any other person to manage the takeback of its products. Additionally, there must be a toll-free number or website address that provides information about the covered electronic device takeback program, including a detailed description of how a person may return a covered electronic device for recycling, refurbishing, or reuse.

Furthermore, a manufacturer must include educational and instructional materials relating to the destruction and sanitization of data from a covered electronic device:

- With each new covered electronic device sold or offered for sale in the State;
- On the manufacturer's covered electronic device takeback program web site; or
- As information provided through the manufacturer's covered electronic device takeback program toll-free number.

#### **Question 13 – What happens if I don't register?**

A retailer may not sell or offer for sale to any person in the State a new covered electronic device manufactured by the manufacturer if the manufacturer has not registered and paid the required registration fee to MDE.

Manufacturers and retailers who fail to comply with the Statewide Electronics Recycling Program are subject to a civil penalty, not exceeding \$10,000, and an administrative penalty up to \$5,000 for each violation (each day a violation occurs is a separate violation), but not exceeding \$50,000.

In addition, MDE may assess against any retailer that violates §9-1728.1(b) of the Statewide Electronics Recycling Program a fine up to \$1,000 for each violation, but not exceeding \$10,000 total.

#### **Question 14 – I was registered and had a MDE-approved takeback program under the previous law. How will the new law affect my renewal registration?**

Your previously approved takeback program **DOES NOT** automatically carry over to the 2013 registration. You must ensure that your takeback program complies with all requirements of a MDE-approved takeback program including the new provision to provide educational and

instructional materials relating to the destruction and sanitization of data from a covered electronic device.

See Question 12, for more details.

If you do not offer a MDE-approved covered electronic device takeback program, your renewal registration fee will be \$10,000 for a manufacturer that sold at least 1,000 covered electronic devices in Maryland in the prior year and \$5,000 for a manufacturer that sold at least 100 but not more than 999 covered electronic devices in Maryland in the prior year. There is no registration fee for a manufacturer that sold less than 100 covered electronic devices in Maryland in the prior year. However, a manufacturer must register even if they sold less than 100 covered electronic devices in Maryland and don't need to pay a registration fee.

**Question 15 – My company purchases covered electronic devices as defined under the Statewide Electronics Recycling Program from another company and uses this equipment in systems for sale under my company's brand name. Am I required to comply with Maryland law?**

Yes. As the brand owner of the covered electronic device, you are required to comply if you plan on selling covered electronic devices in Maryland. The company from whom you purchased the equipment would also be required to comply if they plan on selling covered electronic devices in Maryland under their own brand name. The registration fee due will be based upon the number of CEDs sold in Maryland the previous year.

See Question 10, for more details.

**Question 16 – My company is a manufacturer as defined by the law. However, my company only manufactures a small number of covered electronic devices. Are we still required to register?**

The law requires manufacturers that sell or offer for sale, at least 1 (one) covered electronic device in Maryland on or after January 1, 2013, to register. The registration fee due will be based upon the number of CEDs sold in Maryland the previous year.

See Question 10, for more details.

**Question 17 – My company only sold 50 covered electronic devices in Maryland during the last calendar year. Are we still required to register?**

Yes. The law does not set a minimum number of electronic devices that must be sold in Maryland for a manufacturer to be subject to the law. All manufacturers must register whether they need to pay a registration fee or not. There is no registration fee for a manufacturer that sold less than 100 covered electronic devices in Maryland in the prior year. A manufacturer may not sell or offer for sale to any person in the State a new covered electronic device unless the device is labeled with the name of the manufacturer or manufacturer's brand label and the manufacturer has registered and paid the required registration fee to MDE.

**Question 18 – My company only sold 600 covered electronic devices of one type and 600 covered electronic devices of another type in Maryland last year. Does my company still have to pay the \$10,000 fee to register with MDE?**

Yes. The 1,000 covered electronic devices sold in the preceding year includes the total number of covered electronic devices sold by a manufacturer in the prior year (*e.g.*, 600 (of 1 type) + 600 (of a 2<sup>nd</sup> type) = 1,200/year, which is more than the 1,000 covered electronic device threshold for the \$10,000 fee).

**Question 19 – My company only manufactures covered electronic devices in Japan. Is my company still required to comply with the Statewide Electronics Recycling Program?**

Yes, your company is required to comply if your company sells or offers for sale, at least 1 (one) covered electronic device in Maryland on or after January 1, 2013. The law does not specify where the covered electronic devices are manufactured.

**Question 20 – How will I know if my registration has been received, reviewed, and accepted?**

A list of manufacturers who have successfully registered with MDE will be posted on MDE's eCycling web page at [www.mde.state.md.us/eCycling](http://www.mde.state.md.us/eCycling).

**Question 21 – Is there someone I can contact if I have additional questions?**

Yes. Contact Mr. David Mrgich by email at [dmrgich@mde.state.md.us](mailto:dmrgich@mde.state.md.us), by phone at 410-537-4142, or by mail at:

Mr. David Mrgich  
c/o Maryland Department of the Environment  
LMA/Waste Diversion and Utilization Program  
1800 Washington Boulevard  
Suite 610  
Baltimore, MD 21230-1719

Additional information regarding Maryland's Statewide Electronics Recycling Program, including a copy of the law, is available on MDE's electronics recycling web page at [www.mde.state.md.us/eCycling](http://www.mde.state.md.us/eCycling).